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**Citation for published version:**

Souhami, A 2014, 'Institutional Racism and Police Reform: An Empirical Critique', *Policing and Society*, vol. 24, no. 1, pp. 1-21. <https://doi.org/10.1080/10439463.2012.703198>

**Digital Object Identifier (DOI):**

[10.1080/10439463.2012.703198](https://doi.org/10.1080/10439463.2012.703198)

**Link:**

[Link to publication record in Edinburgh Research Explorer](#)

**Document Version:**

Peer reviewed version

**Published In:**

Policing and Society

**Publisher Rights Statement:**

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Souhami, A. (2012). Institutional Racism and Police Reform: An Empirical Critique. *Policing and Society*, 1-21. 10.1080/10439463.2012.703198

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# **Institutional racism and police reform: conceptual ambiguities and operational responses**

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# **Institutional racism and police reform: conceptual ambiguities and operational responses<sup>1</sup>**

## **Abstract**

Institutional racism became a potent mobilising concept in police reform in the UK following the publication of the Stephen Lawrence Inquiry in 1999. Yet while it continues to be used to highlight problematic police/community relationships, little attention has been paid to whether it actually works as a conceptual instrument for change. The explanatory value of the concept has long been contested due to its inherent ambiguities: how, then, is it interpreted and applied by those charged with responding?

Drawing on ethnographic research in the aftermath of the Inquiry, this paper puts in question the continuing use of the term as a lever for reform. The conceptual restrictions inherent in the term simultaneously confronted police services with a series of profound difficulties in responding, and encouraged an urgent focus on the internal social relations of the organisation. Consequently, despite the Inquiry's intention that the term would divert attention away from a preoccupation with racist language and behaviour among police staff, this is precisely where reform activity was directed. Further, the patterns of responses in this arena clearly demonstrate the limitations of the concept as a lever for reform. The term not only failed to direct attention to the dynamics of institutional discrimination but, through the activity it elicited, in fact sustained them. However, despite these limitations, the mobilising power of the concept may have instigated a more subtle and pervasive series of shifts in organisational norms. A new approach grounded in practice and giving primacy to conceptual accuracy is now needed.

## **Keywords**

Institutional racism, Stephen Lawrence Inquiry, police culture, police reform

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<sup>1</sup> I am very grateful to Professor Richard Sparks and two anonymous reviewers for their helpful comments on an earlier draft of this paper.

## Introduction

The concept of institutional racism was propelled into the centre of national debate in the UK in the late 1990s, following the publication of the report of the public Inquiry into the failed police investigation of the racist murder of Black teenager Stephen Lawrence in South London (Macpherson 1999). The Inquiry's conclusion that institutional racism not only contributed to the failure of the investigation, but 'exists both in the Metropolitan Police Service and in other Police Services and other institutions countrywide' (Macpherson 1999, 6.39<sup>2</sup>) has been described as a 'watershed in race relations' (Bourne 2001, p8). The use of the term by the Inquiry became a focus for the political momentum that the case had attained, renewing debate not just about the policing of minority communities but discrimination within British institutions more broadly. The eventual acceptance of the Inquiry's finding of institutional racism by the Commissioner of the Metropolitan Police, Sir Paul Condon, appeared to unleash a process of catharsis by which heads of police services, criminal justice agencies and local government organisations rushed to declare their organisations institutionally racist (see also Singh 2000, Tonry 2004). Within the police service, the impact of the term 'institutional racism' was profound, permeating both the internal and external relations of police services throughout England and Wales. Reflecting the extent to which the term had captured the public imagination, police services and the officers within them found themselves under acute and negative scrutiny, both by the media and in their daily interactions with the public (Foster et al 2005, Souhami 2007a). In this context, police services found themselves under intense public and political pressure urgently to address the problem of

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<sup>2</sup> References to the main body of the Lawrence Inquiry are by paragraph number.

institutional racism within the Service, and, crucially, to be seen to be doing so.

Indeed, the Inquiry had intended that its use of the term would become a catalyst for action in this way. It said:

We do not pretend that our conclusions or recommendations will themselves solve these problems ... We do believe that the debate about policing and racism has been transformed by this Inquiry, and that the debate thus ignited must be carried forward constructively and with imagination into action. (Macpherson 1999, 2.17)

In the aftermath of the Inquiry therefore, the concept of institutional racism became central to mobilising and focusing police responses. Consequently, this was a moment at which the value of the term as a lever for reform was brought into focus. Moreover, debates surrounding recent events – most obviously the eventual convictions of Gary Dobson and David Norris for their roles in the murder of Stephen Lawrence – indicate that there has as yet been little sign of new development in the use of the concept in the context of police reform at either conceptual or practical levels (for example Jasper 2011, Ouseley 2012). One reason for this might be that, while the concept has been the subject of longstanding academic debate, there has been much less attention paid to how it ‘works’ as a conceptual instrument for change. In other words, how successful is it in directing organisational attention to the problems which it is trying to capture?

Indeed, theoretical analyses suggest that the operational merit of the concept remains at issue. As discussed below, its explanatory value has been highly contested due to its intrinsic inconsistencies and contradictions, which both render it inherently imprecise and allow it to absorb multiple meanings and interpretations. If

institutional racism cannot easily be interpreted and located conceptually, how is it applied and addressed in practice? Yet while the operational implications of these conceptual limitations are central to an analysis of the term, they remain largely missing from academic debate. This neglect in part reflects a noted lack of empirical research in this area. The ways in which institutional racism is variously interpreted and located in institutional responses can only be explored through empirical investigation. Yet despite renewed academic interest in the concept in the aftermath of the Inquiry, empirical evidence remains largely missing from these analyses (see also Holdaway and O'Neill 2006; Solomos 1999).

Revisiting ethnographic research conducted as part of a major study of the impact of the Stephen Lawrence Inquiry on policing in England and Wales (Foster et al 2005), this article examines the ways in which police services in England and Wales variously interpreted, identified and addressed allegations of institutional racism and the implications for the value and limitations of the term as a conceptual lever for reform. These issues are explored through officers' accounts of efforts directed at the internal social relations within the police organisation in the aftermath of the Inquiry, in particular an acute sensitivity to the language used by police staff. Of course, the policing of what many staff described as 'canteen culture' was one of many elements of activity that the Inquiry elicited. In particular, changes to police practices appear to have been set in train by the Inquiry's extensive and wide ranging set of 70 recommendations, together representing "the most extensive programme of reform in the history of the relationship between the police and ethnic minority communities" (Bowling and Phillips 2002, p16). Throughout England and Wales police services instigated a range of important initiatives, in particular in relation to the reporting and recording of racist incidents, responses to hate crime more broadly,

liaison and consultation with local communities and stop and search practices (see for example Foster et al 2005, Miller 2010, Shiner 2006)<sup>3</sup>. However, the internal culture<sup>4</sup>

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<sup>3</sup> An exploration of these areas of practice is beyond the scope of this paper. However, it is important to note that the connection between this activity and the problems identified by the Inquiry is in question. There is not only scope for distortion in the ways in which recommendations are translated into policy objectives and actions (for example see Bowling and Phillips 2007 for a critique of the effects of changes to stop and search practices after the Inquiry; Cashmore 2001, 2002 on recruitment of ethnic minority staff; Phillips 2005 on a range of employment practices) but in the ways the recommendations themselves are formulated. Indeed, given the difficulties described in this paper of applying the problems identified by the Inquiry into operational objectives it would be surprising if these were straightforwardly applied into action points (and the processes by which conceptual and empirical findings such as those of the Stephen Lawrence Inquiry are translated into recommendations is entirely neglected in academic research). Moreover, as we note elsewhere (Foster et al, pp93-97), many of the externally focused responses set in train after the Inquiry such as community consultation also reflected the limitations in responses to institutional racism that are described here. In particular, the efforts of police services focused overwhelmingly on practices that were tangible, instrumental and focused on individual actions, rather than the systematic, covert, institutional practices the concept was attempting to capture. These limitations are likely to stem from the same difficulty with which this paper is concerned, namely the difficulty in operationalising an inherently ambiguous concept.

<sup>4</sup> My use of the term 'culture' here reflects the terminology employed in the evidence given to the Inquiry, the report itself (see for example Macpherson 1999 6.28, 6.31, 6.34, 6.50, 6.51, 6.62), commentary on the report (for example Foster et al 2005, Lee 2000, 2003) and the police staff reported in this paper. The use of the concept by staff, the Inquiry and academic debate reflects that dominant in much criminological writing, in which accounts of 'culture' primarily describe shared values and beliefs, and, as Waddington (1999) has noted, prioritise i) those elements of organisational life shared by rank and file officers, and ii) discriminatory aspects of language and behaviour. These are the elements of organisational life perceived to be at issue in the accounts reported here and my terminology therefore reflects this preoccupation. However, while a discussion of the concept of culture is out of the scope of this paper it is important to note that this dominant understanding is limited and alternative perspectives are available which allow

within the police service is a particularly important in relation to an exploration of the value and limitations of the concept as an instrument for change. First, it was not an area included in the programme of recommendations set out by the Inquiry. The intense managerial activity in this arena was thus prompted not by any specific policy recommendation but directly by the charge of institutional racism itself. Second, as outlined below, the Inquiry stated explicitly that internal culture was not the intended focus of police activity: indeed, the concept of institutional racism was deployed in part to divert police attention away from a preoccupation with the language and behaviour of individual staff. The concentration of police efforts in this area therefore needs explanation. Third, as I will show, it was the area of organisational life felt by police staff throughout England and Wales to be the focus of the most intense and systematic managerial efforts at reform, and consequently most markedly and directly affected by the Inquiry. It is therefore a sphere of activity in which the interpretation and application of the concept of institutional racism can be particularly clearly observed. Furthermore, the internal culture of the police service is an arena which has long been observed to reproduce and reinforce the disadvantage of women, Black and Minority Ethnic (BME) and Lesbian Gay Bisexual and Transgender (LGBT) staff (for example Heidensohn 1992, Silvestri 2003, Burke 1994, Miller et al 2003, Phillips 2005). While not its intended focus of attention, is the concept nonetheless able to bring about change in an area of organisational experience which has previously appeared resistant to reform (for example Chan 1996, Loftus 2010)?

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for a more nuanced view of organisational experience. On this point, see Souhami 2007b pp2-6.



Drawing on the lived experiences of police staff in the aftermath of the Inquiry, this paper argues that the use of the term as a conceptual instrument for reform is in question. The ambiguities inherent in both the term itself and its particular deployment in the Inquiry confronted police services with a series of profound difficulties in responding and were translated into a pattern of managerial responses throughout English and Welsh police services that was inadvertently both misdirected and limited. The concept not only failed to direct attention to the intangible, covert dynamics of institutional discrimination but, through the patterns of responses it elicited, in fact sustained them.

First, the following pages explore the Inquiry's particular account of the concept and the broad contours of the problems to which it intended to direct attention.

### **Defining institutional racism**

Since its development in the American black Civil Rights Movement in the 1960s, the term 'institutional racism' has come to absorb multiple meanings and levels of analysis, resulting in considerable variation in the way it is conceptualised (Mason 1982, Singh 2000). Recognising the contested nature of the term (Macpherson 1999, 6.6), the Lawrence Inquiry acknowledged that an accurate definition of the problem was essential for police service responses to be appropriately directed. For this reason, the Inquiry was critical of the treatment of the concept by Lord Scarman's Inquiry into the 1981 'disorders' in Brixton, South London, which had also centrally been concerned with an analysis of problematic relationships between the police and minority ethnic communities (Scarman 1981).

Whilst the Scarman Inquiry had acknowledged the existence of ‘unwitting’ or ‘unconscious’ racism in the policing of minority communities, it rejected the term ‘institutional racism’, arguing that it referred to acts that ‘knowingly, as a matter of policy, discriminates against black people’ (Scarman 1981, 2.22, p11). The Lawrence Inquiry argued that this narrow conception of the term had left the more complex and insidious forms of discrimination beyond the scope of police attention (Macpherson 1999, 6.15).

The Inquiry therefore carefully set out what it meant by its use of the term and its application in the case of the police investigation into Stephen Lawrence’s murder. It gave examples of institutional racism that had pervaded the investigation, including the family’s treatment at the hospital, the initial positioning of Stephen Lawrence and his friend Duwayne Brooks as protagonists rather than victims, the sidelining of Stephen Lawrence’s parents during the investigation, and the refusal by many officers to believe that the murder was racist, and the lack of urgency and commitment throughout the investigation (Macpherson 1999, 6.45). Centrally, it considered that the routine practices and processes adopted in the MPS had been characterised by a ‘colour blind’ approach, which failed to take account of the different needs and expectations of the diverse communities they policed.

The Inquiry emphasised that the use of the term ‘institutional racism’ was intended to distinguish the problems confronting police services from the more widely recognised forms of overt racism: namely language, actions or processes that are deliberately intended to discriminate against BME people because of their ethnicity. The Inquiry found there was little evidence of this within the police service (6.3). Instead, the term institutional racism was intended to direct attention towards ‘a more

subtle' form of racism which was both all-pervasive within the police service and equally damaging (6.4). Institutional racism, it said, consists of:

The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people. (6.34).

The shortcomings of the Inquiry's definition and its application in the Inquiry Report have been widely discussed. In particular, criticism has centred on its neglect of the structural conditions and origins of institutional racism in favour of individual, 'quasi-psychological' (Singh 2000, p32) factors such as attitudes and beliefs (for example, Anthias 1999, Bourne 2001, Lea 2000, Singh 2000). The account of the concept in the Inquiry thus offers a form of 'methodological individualism' (Wight 2003). As a result it masks rather than illuminates the interplay between social structures, state power and individual action in creating and sustaining disadvantage, even though these are the very dynamics which the concept was originally formulated to describe (see Carmichael and Hamilton 1968, Sivanandan 1976). Further, critics have widely noted the inconsistencies, contradictions and elisions within the definition itself and in the ways in which it is deployed throughout the Report (for example, Bourne 2001, Miles and Brown 2003, Solomos 1999, Souhami 2007a, Tonry 2004).

Yet despite these important limitations of the Inquiry's particular delineation of the concept, it is possible to discern the broad features of the problems it was trying to capture by through its use. Centrally, the Inquiry indicated that it aimed to shift the focus of attention in relation to discrimination in two important ways. First, it

disconnected the identification of racism from questions of intention or motivation. So, for example, ‘unwitting racism’ could arise from actions that were thoughtless, patronising or ignorant, even if they were well intentioned (1999, 6.17). In this way, it brought within the scope of police attention not just those behaviours that deliberately disadvantaged minority ethnic people because of their ethnicity, but those which did so unintentionally. Moreover, as institutional racism is found in ‘a collective failure.... to provide an appropriate service’, the Inquiry drew attention to the ways in which inactions and silences can create or sustain the disadvantage of minority communities.

In this way, the Inquiry indicated that racism should be identified not just by an analysis of what police services did, but by the effects of their actions and their inactions. In particular, throughout the report and its recommendations the Inquiry emphasised that these effects were most importantly assessed by the experiences of those subject to them. A central theme of the Inquiry and its recommendations was that an understanding of the perceptions and experiences of different communities was fundamental to identifying institutional racism and thus to responding appropriately<sup>5</sup>. Indeed, the Inquiry stated that a lack of recognition of the way policing was perceived by minority ethnic communities was at the heart of the problems it was trying to capture:

We believe that there should be a clarion call to seize the chance to tackle and to deal with the general problems and differing perceptions that plainly exist between the minority ethnic communities and the police. If these opportunities

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<sup>5</sup> So, for example, the Inquiry stated that a racist incident should be considered to be ‘any incident which is perceived to be racist by the victim or any other person’.

are not appreciated and used, the Inquiry will have achieved little or nothing for the future (Macpherson 1999, 2.17).

Second, through the use of the term institutional racism the Inquiry attempted to shift attention away from a preoccupation with the behaviour of individual officers towards problems generated by organisational policies and practices. In particular, it was concerned with the ways in which routine structures, practices and processes – or their absence – might systematically disadvantage minority ethnic communities. Its instructions were clear:

The Police Services must examine every aspect of their policies and practices to assess whether the outcome of their actions creates or sustains patterns of discrimination (45.24)

The Inquiry repeatedly emphasised that the problems to which it was drawing attention were rooted in covert, systematic and collective forms of discrimination, and it was here that police services needed to focus their attention. In particular, it stated explicitly that its purpose in using the term ‘institutional racism’ was to distinguish between these processes and the more commonly understood form of overt, individual racism. It was emphatic that the problem to which police services must respond was not one of individual acts of racist behaviour among police staff.

We hope and believe that the average police officer and average member of the public will accept that we do not suggest that all police officers are racist and will both understand and accept the distinction between overt individual racism and the pernicious institutional racism we have described. (Macpherson 1999, 6.46)

### **Conceptual ambiguities and operational responses**

The use of the term ‘institutional racism’ was therefore intended to provoke police services urgently to address previously hidden manifestations of discrimination. However, this confronted police services with a series of profound operational difficulties. While the term specifically attempts to capture those aspects of discrimination which are most difficult to identify, it offers little guidance about where these are located.

The Inquiry has come under considerable criticism for its lack of precision about the mechanisms, processes and relationships through which institutional racism is generated and sustained (for example, Anthias 1999, Lea 2000, 2003, Solomos 1999, Wight 2003). Yet its deficiency in this regard is unsurprising. The difficulty of specifying the locus of institutional racism is a problem long acknowledged in relation to the concept and has led some critics to question its use (for example, Mason 1982, Miles and Brown 2003). Whilst a detailed exploration of this critique is beyond the scope of this paper, three issues are particularly salient to the version of the concept used in the Inquiry and the consequent problems faced by police services.

First, as outlined above, the Inquiry prioritises an account of institutional racism in which it is identified through its effects, in particular through the subjective experiences and perceptions of those subject to it. Yet as Miles and Brown (2003) argue, if racism is identified according to the victim’s perspective, any action, inaction or outcome could potentially be described as racist. The potential scope of attention is thus limitless.

Second, the focus on outcomes within the concept cannot illuminate the mechanisms through which inequalities originate or how they might be addressed: as institutional racism is identified by its effects, questions of intentionality and causation underpinning these become conceptually irrelevant (Mason 1982, Miles and Brown 2003). The concept therefore identifies the problem whilst at the same time obscuring the determinants.

Third, while the Inquiry intended to focus attention on institutional rather than individual processes of disadvantage, these are difficult to differentiate from one another. Indeed, they are not always conceptually distinct. As Holdaway argues, institutions are not static, reified entities but “emerge from taken for granted ways of working together; from related, taken for granted ways of thinking; and from taken for granted categorisations and self-definitions of identity” (1999, 3.2). Similarly, institutions shape the way their members ‘think’ (Douglas 1986). The identification of particular actions as generated by institutional rather than individual processes is thus problematic. Moreover, these are not easily distinguished in practice. As Lea argues (2000, p221), the workings of institutions are of course ‘encountered as the actions of individuals’. It is therefore difficult to infer the workings of institutional processes from the actions of a group of officers, particularly if officers act in ways which may not be typical of their colleagues (Lea 2000, 2003, see also Wight 2003).

The term thus represents a ‘conceptual inflation’ (Miles and Brown 2003) of the boundaries of racism to the extent that any action, inaction or outcome could, potentially, be understood as an example of institutional racism, whilst at the same time locating it in effects which are both inextricable with and manifested as the

actions of individuals. Institutional racism therefore appears simultaneously everywhere and nowhere. How and where, then, should police services respond?

However, at the same time, a ‘conceptual narrowing’ (Miles and Brown 2003) inherent in both the term itself and its particular deployment within the Inquiry inadvertently focused police attention on a narrow range of overtly racist behaviour. In particular, these constraints are generated by the use of the word ‘racism’ within the term, which creates a number of conceptual and operational limitations.

First, the inclusion of the term ‘racism’ within the concept focuses attention solely on those manifestations of exclusion that are seen as structured by race. Yet this artificially constructs both identities and the experience of exclusion in simplified, binary ways (see also Anthias, 1999). Individuals are instead positioned across a number of interacting, mutually reinforcing parameters of differentiation, including those defined by class, gender and sexuality (for example Anthias 1998, 1999, Anthias and Lloyd 2003, Crenshaw 1991, Miles and Brown 2003). In the same way, the exclusions the concept is attempting to capture cut across different forms of categorisation and subordination. Experiences of discrimination thus cannot be reduced to a single category (Anthias 1998, 1999, Miles and Brown 2003). By implication therefore, a response to the problems the concept institutional racism is trying to illuminate must involve a concern not just with racism but with wider expressions of discrimination too. Yet the focus on race within the term immediately limits its scope of interest to one facet of disadvantage. Again, this has both analytical and operational implications. The term masks the interplay between the cross cutting structures of disadvantage within which racism is expressed, leaving the underlying dynamics of discrimination hidden from view (Anthias 1999, Miles and Brown 2003).



At the same time, by specifying a focus on race, the term closely directs operational attention to a single manifestation of disadvantage and risks diverting attention away from other forms of discrimination such as sexism and homophobia.

Second, the term ‘racism’ within the concept in itself risks narrowing attention further to a particular manifestation of individual racism, simply because it has come to be so strongly associated with individual prejudiced attitudes, motives or beliefs (Mason 1982). Moreover this understanding of racism now carries with such a potent emotional charge that, as Miles and Brown put it, the term has come to represent a form of ‘political abuse’ (2003, p3). As a result, the term ‘racism’ is now so deeply embedded and emotive that it is difficult to dissociate from the better known forms of individual, overt discrimination, even if it is deployed in a concept explicitly intended to divert attention away from these (Souhami 2007a). Further, in the context of the police service, the power of the concept of racism is often associated with the similarly potent concept of ‘canteen culture’, the informal talk among police staff away from public view, which prioritises discriminatory banter including sexism and racism. As Waddington argues (1999), the concept of canteen culture has become notorious because of its ‘condemnatory potential’: it has become a shorthand for negative aspects of organisational life which are in need of reform. For this reason, questions of reform and racism are hard to dissociate from canteen culture, and thus immediately direct attention to overtly racist language and behaviour among police staff. Indeed, this is evident within the Inquiry itself which gave primacy to a particular interpretation of the concept which locates institutional racism in ‘attitudes and behaviour’, ‘unwitting prejudice’ and ‘racist stereotyping’ (6.34, p28) (see also Singh 2000, p32) derived from an ‘inflexible police ethos’ and a ‘tightly knit

community'. In particular, it states that the 'police canteen can too easily be its breeding ground' (Macpherson 1999, 6.17).

Further, in contrast to the intangible, pervasive nature of institutional racism, manifestations of overt, individual racism are easily identified, with clear determinants and courses of action. For police services that need to demonstrate a swift response to the Inquiry, they provide visible evidence of effort and results. It is perhaps little surprise then that despite the Inquiry's explicit intention to divert attention away from overtly racist behaviour among individual officers, this is where police services overwhelmingly chose to focus their attention.

The following pages explore the ways in which these conceptual difficulties were manifested in operational responses to the Lawrence Inquiry in police services across England and Wales.

### ***The research***

The research reported here was conducted between 2002 and 2004<sup>6</sup>. The bulk of the fieldwork involved in-depth ethnographic research of policing in action across a wide range of policing roles. Eight police force areas were selected on the basis of policing context (city, town, urban, rural); composition of their populations (with a variety of high and low minority ethnic settlement and different types of minority ethnic communities); force size; and geographical spread. Where possible, observations and interviews were conducted with both men and women, new in career and long-serving staff, LGBT (Lesbian, Gay, Bisexual and Transgender) and

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<sup>6</sup> For detailed methodology, see Foster et al 2005 pp 7-18.

heterosexual staff and White and BME staff across all ranks<sup>7</sup>. Fieldwork was also conducted with minority ethnic communities in all research areas in order to explore experiences and perceptions of policing in the local context<sup>8</sup>.

### **Responding to the Inquiry: policing the canteen**

Across all research areas and among staff of all ranks and roles, the Inquiry was everywhere immediately associated with a sudden and intense managerial scrutiny of language used by staff within the organisation. This was the area of organisational life which officers universally experienced as the subject of the most focused attention in the aftermath of the Inquiry and which they felt had, as a consequence, been most markedly changed. Staff across research areas described a climate of acute sensitivity following the Inquiry in which language deemed to be inappropriate would receive a stringent disciplinary response. The perceived intensity of managerial surveillance was often expressed in negative terms: the Inquiry was seen as ushering in a climate of ‘political correctness’, ‘OTT, McCarthyist policing’, a ‘stage-managed farce’ in which ‘innocent’ jokes could have serious consequences for

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<sup>7</sup> As this article sets out to explore the commonalities in the ways in which the variety of force areas responded to the Lawrence Inquiry I have not distinguished between the police areas in the data reported here. I have however identified staff by their rank to indicate where they are positioned in the organisational structure. In order to retain the anonymity of research participants I have not included data which could identify them. However where pertinent to the issues discussed I have indicated their gender and ethnicity.

<sup>8</sup> Interviews and focus groups were undertaken with community members, youth and community workers and independent advisors where they existed, as well as police authority members in most sites

them. Reflecting this, some staff reported strongly-felt beliefs that an array of surveillance measures existed for the purpose of monitoring discriminatory behaviour: police cars were bugged; canteens were monitored by cameras; confidential phone lines existed for officers to report racist language by their colleagues. Other staff said if they did not report racist behaviour they would be seen to ‘acquiesce’. This made police officers very cautious about what they said. As one PC put it, “too many people are scared of not grassing you up”.

The anxiety described by police staff indicate the intensity of surveillance in the aftermath of the Inquiry. But it also suggests that officers had understood that language could now be defined as racist regardless of their intention. So, for example staff in one research area described with outrage how a colleague was reprimanded for describing a black officer as ‘chocolate coloured’, even though the officer he was describing ‘was his best friend’. In other words, staff were clearly aware both of an increased intolerance of racist language within the organisation and that the new boundaries of acceptable conduct were uncertain. As a result, officers described feeling ‘paranoid’ about the language they used: as a DI put it, ‘you think, “I’m not even gonna start talking about that topic because the thought police will get me”’

It appears therefore that in all research sites, one of the primary effects of the Inquiry was to set in train an emphasis on the policing of overtly racist language within the service. This appears to have had a powerful effect: officers described a virtual excision of racist language within the organisation. Staff in all sites, at all ranks reported that since the Inquiry “there’s been an enormous shift in what you might call the canteen culture of years ago” (Divisional Commander); ‘the organisation is very, very different’(DCI); “it’s extraordinary if someone says

something [racist] like that” (PC). While the decline in racist language may not have been as dramatic as staff suggested (see for example Cashmore 2001, Phillips 2005), these accounts indicated the extent to which staff perceived a change from the climate as little as ten years previously, when officers reported that overtly racist language was common. As a PC put it: “black people were wogs, coons, the lot, it did go on” (for supporting contemporary accounts, see for example Smith and Gray 1983, Holdaway 1993).

Some officers attributed the decline in racist language within the police service to an increasing intolerance of it within the broader cultural climate. For example, a long-serving PC said “I’m uncomfortable saying the words now but people were being called nigger and things like that. It’s so wrong now. You’re not even comfortable saying it when you’re talking about it historically”. However the Lawrence Inquiry was undoubtedly an important catalyst in the excision of such language. Staff in all research areas connected the intolerance of racist language to its scrutiny in the aftermath of the Inquiry. As a sergeant said “Since the Lawrence Inquiry we’ve got to be ... I wanted to say ‘whiter than white’. Police officers now think before they open their mouths”. It appears therefore that the Inquiry may have brought about a sharp clarification of organisational norms in relation to overt racism: describing the impact of the Inquiry, one long-serving PC said, ““you look back on what we were like 14 years ago [when he joined up] and you think, ‘well actually that was wrong’”.

The use of the term ‘institutional racism’ within the Inquiry therefore appears to have generated a powerful response. Yet in all police services, attention was directed to the policing of language within the organisation, an area from which the

term was intended to deflect attention. Moreover, as the following pages show, the pattern of responses in this narrow area of organisational life indicate further the difficulties that police services had in operationalising ‘institutional racism’.

### ***Addressing individual discrimination?***

Even in relation to overtly discriminatory language, managerial attention was narrowly defined. Despite the intense focus on outlawing racist language, it was apparent that other forms of discriminatory language or behaviour were not subject to the same scrutiny or disapproval. The contrasts in organisational norms were frequently drawn by police staff in all research areas. Some officers described a hierarchy of tolerance whereby, as one sergeant put it, “it’s acceptable to [make] homophobic comments, it still is. Sexist comments people are guarded against. Racist comments are taboo”. Reflecting this, women staff in particular commonly reported instances where they were subject to overtly exclusionary language that was not censured by their managers. For example, a female DC said that “The supervisors will let [the banter] go until you’re quite upset”. Indeed, managers themselves were observed participating in sexist behaviour themselves, such as publicly belittling or flirting with women staff or commenting on their appearance. As a result, police staff did not express the same anxiety about the use of sexist or homophobic comments. Instead, women and minority staff described being reluctant to protest for fear of the repercussions. For example, a lesbian PC described fearing ‘retribution, like homophobic remarks’; a female PC explained that if staff complained about being subject to sexist language “you would be targeted. .. you will be marked as a troublemaker and they will get back to you in some way”.

Reflecting the relative lack of censure, homophobia and sexism were reported by all staff as remaining prevalent in the force. For example, an Asian woman PC said “there is still that sort of sexist or sexually charged banter that you wouldn’t get with race. Homophobia is the same status as gender”; a White, male sergeant said “I have never... experienced any racist behaviour or language. [laughs and winks]. I’ve witnessed plenty of sexist behaviour, there’s quite a bit of that”. This was supported by observational fieldwork, during which homophobic and sexist language was frequently used. Sexist language in particular appeared to be widespread. Women staff in all research sites reported instances of grossly sexist remarks. For example, one PC was told by her Inspector to “run along little girl and do your job”; when she complained about his comment she was asked “is it your time of the month?”. Other women reported being called by derogatory terms, such as “dizzy blonde”, “Coco the clown” or “dolly”. Further, in contrast to the marked sensitivity surrounding racist language and competing definitions of its use, there was no equivalent reflection on the appropriateness or impact of language used in relation to women. For example, women in all sites were routinely referred to as “girls”, a term now widely recognised as infantilising and belittling of women’s competence and authority (Martin 2006, p268).

It appears therefore that the ‘conceptual narrowing’ inherent in the term ‘institutional racism’ was mirrored in police responses. The intense managerial focus on overt, individual instances of discrimination appeared to be closely restricted to racist language with no comparable attention to of equivalent forms of disadvantage.

### *Addressing institutional discrimination?*

But further, while the term appeared to have provoked an intense managerial scrutiny of overt racism, it did not appear to have focused police attention on the indirect, organisational processes that it had intended to capture. Minority ethnic staff in all research sites described a climate in which they felt more subtle forms of discrimination were widespread, and in which they felt excluded, vulnerable and conspicuous (for supporting accounts, see Cashmore 2001, Phillips 2005). Reflecting this, some staff said that the attention paid to racist language in the aftermath of the Inquiry was not indicative of a decline in racism but was purely cosmetic: any apparent change in what people said merely reflected that they thought they'd get in trouble if they said it. For example, a long-serving Black PC said that while he was no longer confronted with the explicit racist abuse he had experienced at the outset of his career, he was confident that this had merely 'gone underground':

'It's not going to happen to my face, or in earshot of me [...] Officers that joined 10, 11 years ago that I've seen making racist comments, they're still around, I see the same faces, they're still here, don't tell me their views have changed'.

In some instances, officers' feelings of exclusion appeared to be directly reinforced by institutional policies, practices and inactions. For example, one service allocated easily identifiable numbers (such as 999, 1066, and so on) to their very small number of BME staff. The rationale for this policy was that it helped to identify quickly a minority ethnic officer if it was felt it would be more helpful in dealing with particular communities or particular incidents. However, it was interpreted by BME staff as intended to reinforce their marginalisation: as one Asian PC put it, "where are our tokens and what are they doing". In addition, there were numerous instances of institutionalised inaction which served to disadvantage minority ethnic staff. In



particular, with rare exceptions, police services did not recognise the particular pressures experienced by BME staff within the police organisation and consequently were unable to address these. For example, BME staff frequently reported profound difficulties in their interactions with the public, in which they were confronted both with racist abuse from the White public and hostility from local minority ethnic communities. For example, a Black African PC described the antagonism he experienced from the Black African community in which he lived and worked as “the worst thing I’ve ever had in my life”: “I’ve been spat at, called a traitor... my wife is so frightened, everyday she is so frightened”. This led to an intensely uncomfortable working environment. He explained, “you get it both ways, so at the end of the day you don’t know where you belong”. While these were commonly reported experiences (and see also Phillips 2005), they were not felt by the staff concerned to have been addressed in any research site.

Further, there was little recognition of the ways in which deeply embedded informal norms served to reinforce the marginalisation of BME staff within the service. For example, some BME staff chose not to join in social occasions with their team, such as meals in the canteen. Some White officers recognised this as a reflection of feelings of acute discomfort: as one White PC said, “the Black officers, they’ll all group together...I just think they feel more comfortable. It is a struggle for them.” Yet in a context in which solidarity is highly prized (for example, Reiner 2010) this self-exclusion from collective social events breached strongly-felt cultural norms, which had the effect of further marginalising these staff. With rare exceptions, these experiences were not recognised or understood within police services. Indeed, in some cases they were reinforced by supervisors. For example, an Asian Muslim PC explained that his refusal to join his colleagues in the pub after shifts was deemed

by his supervisor to be “causing segregation”: “I’m now not one of the team”. In another research area, a (White) Inspector described how White staff on his team complained about a Black PC who did not ‘join in’, which resulted in the Inspector informing the officer that he was not a ‘team player’.

More generally however, BME staff described a pervasive and intangible sense of being, as one Black PC put it, ‘under attack’. For example, an Asian DC said of her White colleagues: “They’re very careful what they say around me [...] the conversation suddenly stops when you enter the room and there is silence”. A Black PC in a predominately white force said of her colleagues ‘they don’t know how to talk to me. [...] They’re not used to Black people are they? I can hear them thinking how to speak to me, they apologise before they’ve said anything’. It is likely such perceived discomfort among white colleagues to some extent reflects the climate of anxiety in the aftermath of the Inquiry in which staff were unclear about where the shifting boundaries of acceptable behaviour now lay, but knew that transgressing these, regardless of their intention, could have serious consequences. Yet it appears the effect of such anxiety was inadvertently to reinforce a strongly-felt sense of exclusion. For example, a Black PC in one police service described how a White colleague used the phrase ‘digging with a spade’ then apologised in case he had offended her. She said “I was more offended that he apologised than anything...[this incident] made me feel horrible, and I felt horrible for a long time”.

The sense of acute discomfort and marginalisation described by BME officers was mirrored by the experiences of women and LGBT staff, who commonly described a hostile working environment in which they felt vulnerable and excluded because of their gender or sexuality. So, for example, women officers commonly

described an atmosphere of all-consuming sexism. Women frequently reported that that they were undermined and undervalued by their male colleagues; ignored and excluded in their teams; and felt they had to work harder than male officers to ‘prove themselves’. For example, a woman DC said:

‘The only thing I can do is just put my head down, work hard and prove myself. Which is depressing, but it’s reality isn’t it? The only way I can earn respect is to work harder than everybody else’.

Some LGBT staff described their working environment as actively hostile. For example, one lesbian officer reported that some LGBT staff concealed their sexuality to prevent leaving themselves ‘vulnerable to abuse’; a lesbian officer in a different service said ‘there’s always that fear that if you come out, there’s going to be some form of retribution, like homophobic remarks’. The police service was thought to be particularly hostile to gay men. A lesbian PC explained, ‘Even if [a man] is slightly effeminate, he’ll be homed in on and bullied. I’d hate to be a male police officer who is gay’. In all research sites there were fewer openly gay male officers than lesbian staff, which suggested a climate in which gay men felt particularly vulnerable. In this way, women and minority staff in all research sites commonly reported that they continued to be subject to covert, pervasive forms of discrimination. These are experiences that have long been documented in the policing literature, and continued to be highlighted in the decade leading to the Inquiry (for example, Burke 1994, Heidensohn 1992, HMIC 1992, 1995, Miller et al 2003, Young 1991). Yet it was clear that these experiences had not been a focus of attention: with very few exceptions these overwhelming feelings of exclusion and marginalisation were not addressed. In other words, it was not just that police services did not respond, or did

not respond appropriately, but that the experiences of these staff frequently were not recognised or understood.

### ***Experiencing institutional discrimination***

Police services' lack of recognition of these pervasive experiences of exclusion reflects a further consequence of the difficulty operationalising the concept of institutional racism. The subjective and intangible nature of discrimination made it difficult for those subject to it to describe and thus bring to managerial attention. Although their experiences of discrimination were strongly felt, staff found it difficult to articulate instances to which they had been subject. Instead, their experiences were described as elusive yet all-pervasive. For example, a woman officer said that her working environment was saturated by a persistent 'sexual undercurrent'. One gay PC described the exclusionary nature of his working environment in the following way:

"It's a drip, drip, loads of silly insignificant things which if you didn't write down you would probably forget, but then as it mounts up you think is it me, am I being paranoid, am I being too sensitive... you know, because it's summer, people wear less clothing, a girl walks past the window they all shout 'window', and literally they all run to the window to ogle out the window, even the sergeant... There's that sense of exclusion that they don't know about, they don't feel. It's designed to exclude you and make their statement about who they are."

Yet this officer's experiences illustrate a second central feature of the experience of discrimination: it is filtered through the perceptions of those subject to it. It is not necessarily the case that, as this officer strongly felt, his colleagues' behaviour was 'designed to exclude' him, simply that this is how he interpreted it. Of

course, this does not mean that his perceptions were simply wrong, nor were they irrelevant. Instead, they are an intrinsic part of the experience and identification of discrimination, in which previous experiences and expectations form a lens through which actions are understood. This appears to be a complex and subtle process, in which perceptions of discrimination may be shaped not only through an individual's own previous experiences but through those of others, including those stories of which they have no personal experience. This is not merely a reflection of experiences within the police organisation - what has been termed 'institutional memory' (for example Holdaway and O'Neill 2006) - but those beyond occupational boundaries, including stories told of others' life experiences, including those which are distorted or misunderstood. In this way, perceptions of behaviours are filtered through a complex tangle of memories, stories and experiences. Indeed, this was precisely how community members described their experiences of discrimination by the police. For example, in an area with a history of volatile police/community relations, one Black woman said:

I don't think that Black people actually feel, on a whole, that they are protected by the police...But they [the police] created that with the 'sus' in the 80s. I regularly remember seeing Black men plastered against walls...being searched by the police, just walking about, minding their own business. Now if you see your protectors being treated like that on a regular basis... you have built up a mental picture that is going to last 30, 40 years and that is going to be passed on. That is a memory ...Now, they're not going to get away with that. You treat my men like that... I'm not going to trust you. I'm not going to work with you. I'm going to have nothing to do with you.

Experiences of discrimination were thus complex and subjective. The intangible and pervasive nature of these experiences appeared to make it difficult for

staff not only to articulate and thus complain, but also to conceive a possible response. Instead, staff described feeling resigned to the exclusionary dynamics within the service. As a female DC put it, “I just have to clench my teeth and think that’s how it’s going to be”. As a result, despite its impact on officers’ working lives, their strongly-felt sense of exclusion remained almost entirely unreported in all research areas. During the research, only one officer reported complaining about his feelings of marginalisation. As the only openly gay man in his entire police service his sense of exclusion was perhaps particularly keenly felt. His supervisor’s response was simply to move him to another team. He said “It was almost as if [the sergeant] was at a loss of what to do about it...It’s almost as if it’s been put in the ‘too difficult box’”.

However, it is of course precisely these intangible, subjective and pervasive facets of discrimination that the Lawrence Inquiry was trying to capture. In particular, it stated that victims’ perceptions are a central indicator of systematic, collective discrimination and are in themselves a significant problem for the police service. In other words, the experiences of discrimination that were widely described by staff were at the heart of the problems of institutional racism to which the Inquiry intended to direct police attention. Yet despite the potent impact of the Inquiry and the urgency of police responses, these experiences had not been a focus of attention in the aftermath of the Inquiry but instead, in the experiences of officers working within a range of police services, appeared to remain unaddressed.

## **Institutional racism and police reform**

The use of the term ‘institutional racism’ by the Lawrence Inquiry had a complex series of effects on police services throughout England and Wales. Its impact was certainly profound. In all research areas, officers’ accounts suggested that their working lives had been strongly shaped by the concept. Officers in all research sites, at all ranks and in all parts of the police service described the organisation in the aftermath of the Inquiry as pervaded by an acute sensitivity to overtly racist behaviour as a result of a stringent managerial policing of language. The concept thus set in train a series of managerial responses that permeated into the mundane experiences of organisational life, strongly shaping the ways in which staff talked and thought about their interactions with each other.

It is likely the potent emotional and political charge now inherent in the concept of racism gave it its urgency: it demanded that police services act, and be seen to be doing so. Indeed, the mobilising force inherent in allegations of racism may have been a strong part of the appeal of the term for the Inquiry (see also Tonry 2004). In this sense, the concept was well chosen: it did indeed ‘ignite’ the debate about racism and provoked ‘constructive action’ (Macpherson 1999 2.17, p4). Moreover, as far as they went, the efforts it generated were hugely effective. The intense managerial scrutiny appears to have brought about a marked change in the use of racist language in the police service: staff in all research areas described an acute awareness of organisational intolerance of overtly racist language and the repercussions of its use. As some officers suggested, the intolerance of overt racism within the police service will have reflected its negative status outside the organisation: external power relations of course permeate organisational boundaries and structure the legitimacy given to actions and beliefs (for example Jermier 1991,

Martin 1992, Parker 2000). Indeed, as legitimacy is essential for generating normative commitments towards compliance (Beetham 1991, Sparks and Bottoms 1995) the stigma attached to racism in the wider social environment created the conditions in which its policing within the service could be effective. However, it is clear the Inquiry was an important catalyst in bringing about rapid change in an organisational context in which racist language had previously been particularly entrenched (for example Chan 1997, HMIC, 1997, 1999).

However, the responses that the deployment of the concept elicited were strongly limited. First, the accounts of officers across all research areas suggest that the most clearly communicated and intensely felt efforts set in train by the Inquiry were focused on the internal life of the organisation rather than police/community relations. Yet while the normative tenor of the Inquiry implied that its principles should govern all aspects of the police organisation including its internal climate (Foster et al 2005), its principal concern was in the relationships of the police service with minority communities. Second, even in relation to the internal relations within the police service, the significant managerial effort set in train by the concept was not integrally related to the problems it was trying to capture. Despite the Inquiry's explicit purpose of using the term 'institutional racism' to deflect police attention away from a narrow definition of racism as overt, individual acts of racist behaviour among police staff, this is where police services focused their attention. Third, although the social relations within the police service came under intense scrutiny, it appears the term did not in fact focus attention on the collective, covert and systematic forms of discrimination that permeated them. Instead, across our research sites it appeared that police services remained unaware both of the ways in which routine practices, policies and social norms created or sustained the disadvantage of



minority staff and of their manifestation in the subjective experience of discrimination. In other words, while the use of the term was intended to highlight the ‘indirect ... subtle, hidden and potentially more pervasive’ (Macpherson 1999 6.15, p22) forms of discrimination so that they might be addressed, it appeared not to have done so. Fourth, the term appears to have focused responses solely on manifestations of overt exclusion structured according to race, leaving other, similar forms of overt discrimination outside the scope of managerial attention and thus remaining widespread.

This pattern of organisational responses closely mirrors the conceptual difficulties within the term institutional racism. While much of the previous criticism of the concept has focused on the way its central ambiguities strictly limit its analytical power, this paper indicates how these conceptual restrictions translate into significant operational difficulties. Thus the ‘conceptual inflation’ (Miles and Brown 2003) which obscures the processes through which institutional racism is generated and sustained similarly confronts police services with a series of profound difficulties in responding. Institutional racism is pervasive, subjective and intangible, while its origins and manifestations are difficult to locate. Even those who feel themselves subject to it find it difficult to describe. How, then is it identified and where and how can it be addressed? At the same time, the simultaneous ‘conceptual narrowing’ (Miles and Brown 2003) within the term narrows the scope of attention to those manifestations of individual, overt discrimination structured according to race, to the exclusion of other, cross-cutting forms of disadvantage. Further, by contrast to the intangibility of institutional racism, the notion of racist language and behaviour is powerfully and negatively loaded, easily understood and located, with clear determinants and courses of action. Therefore, whilst expending considerable efforts

appearing to address institutional discrimination, police services were in fact directed away from the very problems the concept is trying to capture, leaving them unaddressed. In this way, the concept not only failed to direct attention to the intangible, covert dynamics of institutional discrimination but, through the patterns of responses it elicited, in fact sustained them.

However, despite its analytical and operational limitations, it is possible that the concept of institutional racism may have had a more fundamental effect. While managerial responses were strongly limited, the mobilising force of the concept and efforts it instigated may have set in train a more pervasive and subtle series of shifts. An exploration of these effects is outside the scope of this paper, but one aspect of is particularly pertinent to the staff accounts described here. As outlined above, officers in all research areas contrasted the managerial scrutiny of racism with an apparent neglect of other forms of discrimination. Yet these accounts of contrasts in themselves indicate that the intense focus on one aspect of exclusion brought to the surface other, cross-cutting experiences, even if only to describe their neglect. This is perhaps unsurprising. As outlined above, an important criticism of the concept of institutional racism is that the specification of 'racism' within it artificially reduces both identities and experiences of exclusion to a single category of subordination (e.g. Anthias 1998, 1999, Crenshaw 1991, Miles and Brown 2003). Yet just as these parameters of differentiation are not clearly separated in individual experience, so attention paid to one aspect of subordination inevitably brings into focus inter-related forms of exclusion. It seems therefore that the intense focus on racism has made increasingly possible an articulation of homophobia and sexism within the service, despite the relative inattention that they received in explicit intervention. These expressions not only allow for an increasing visibility of these forms of

discrimination, but suggest a rising expectation that these too should meet with equal intolerance and censure. It is possible therefore, that despite the narrow focus of the responses elicited by the concept of institutional racism, it may nevertheless have had the capacity to set in train a more pervasive shift in organisational norms.

### ***Beyond institutional racism?***

An empirical exploration of responses to institutional racism therefore suggests important limitations to its value as a conceptual lever for reform.

The mobilising power of the concept has perhaps been its most important effect. Above any other precipitating factor in contemporary British policing, the use of the term by the Inquiry has been responsible for concentrating efforts on the problem of discrimination both within the police service and in public institutions more broadly. The concept is now a common part of the vocabularies of police services (Holdaway and O'Neill 2006) and is frequently levied across a wide range of public and private institutions (for example, see Vasagar 2011, Shepherd 2011a, 2011b, Tobin 2011). It would appear that, as the Inquiry had intended, its use of the concept has transformed the terms within which debates about racism occur throughout British institutions. At the least, 'institutional racism' has become a charge that organisations are eager to avoid.

The change in the framing of these debates may in itself be important: as this paper shows, even if the new contours of debate are not fully understood and official responses limited as a result, the shift in conceptual terms it provides may at the least facilitate the expression of broader and more complex aspects of discrimination and thus allow for the possibility of more nuanced intervention. However, the research

reported here clearly shows that the absorption of notions of institutional racism into political discourse does not in itself reflect a transformation in the way discrimination is understood. Instead, the mainstream adoption of the concept may in fact reflect and reinforce an obscuring of its meaning. As the experiences within the police service suggest, the inherent difficulties in addressing and identifying the locus of discrimination result in its translation into more tangible and accessible forms. Indeed, as critics have noted, the term appears to have become “diluted” (Bourne 2001, p14) into a general signifier of a broad range of issues relating to ‘race relations’<sup>9</sup>. As a result, despite its absorption into popular discourse, the term does not seem to have resulted in an awareness of the institutional or structural dynamics of discrimination in which law enforcement – including operational policing - is located (for example Bourne 2001, Wight 2003, Lee 2003). As Bourne suggests, this inevitably shapes organisational responses which thus become constituted as ‘formulaic anti-racism’ (2001, p15) rather than an interrogation of the origins of discriminatory practices.

Further, alongside its mainstream adoption it appears that the term may have lost some of its mobilising potency, with some arguing that institutional racism is no longer considered a policy priority (for example, see Jasper 2011). If this is so, this paper suggests how this attenuation may have occurred, whether through the difficulties encountered in attempting to operationalise and address the concept or because organizations were able to claim to have done so whilst making fairly narrow and specific changes in practice.

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<sup>9</sup> I am grateful for the comments of an anonymous reviewer on this point. As illustration of this slippage in meaning, see for example Carter 2010 and Vasagaar 2011, in which ‘institutional racism’ appears to refer to overt, deliberate racism within institutions, and Equality and Human Rights Commission 2009 in which it is equated to ‘race equality’.

Despite its mobilising potential therefore, experiences within the police service suggest that the continuing usefulness of the term as a conceptual instrument for change is now in question. It is outside the scope of this paper to set a new agenda and terminology to take its place. However, the limitations of the responses to the concept described here clearly indicate the importance of an approach that is, above all, firmly situated in practice and thus readily applicable to the working lives of police staff. Further, it needs to counter a cultural preoccupation with internal social relations to encourage a focus on external police/community relationships and draw attention to the dynamic, intersectional and structural nature of exclusion.<sup>10</sup> But in addition, responses to institutional racism within the police service clearly illustrate the fundamental importance of conceptual accuracy, not only in generating investigation and analysis, but in directing organisational responses.

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<sup>10</sup> For example, a recent development of notions of legitimacy in police/public encounters may provide a helpful and more readily applicable model for shaping practices and perceptions of police/community relations (see for example Bradford, Jackson and Stanko 2009, Hough et al 2010, Murphy and Cherney 2012).

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